PART IV

SECTION—1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 35 LCA 1976.

Bangalore, dated 29th April 1976.

Ordered that the Motor Vehicles (Amendment) Act, 1976 (Central Act No. 26 of 1976) published in Part II, Section I of the Gazette of India, Extraordinary dated 12th February 1976 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka

B. NAGESHA RAO,
Under Secretary to Government,
21 *Department of Law and Parly. Affairs.*

Assented to on 11th February 1976. Act No. 26 of 1976

THE MOTOR VEHICLES (AMENDMENT) ACT, 1976

AN

ACT

further to amend the Motor Vehicles Act, 1939.

BE it enacted by Parliament in the Twenty-seventh year of the Republic of India as follows :—

1. Short title and commencement :—(1) This Act may be called the Motor Vehicles (Amendment) Act, 1976

(2) It shall be deemed to have come into force on the 26th day of September, 1975.

2. **Amendment of Section 63**:—In section 63 of the Motor Vehicles Act, 1939, (4 of 1939) (hereinafter referred to as the principal Act), after sub-section (10), the following sub-sections shall be inserted, namely:—

'(11) Notwithstanding anything contained in sub-section (1), but, subject to the rules that may be made by the Central Government under sub-section (15), the appropriate authority may, for the purpose of encouraging long distance inter-State road transport, grant to the public carriers in a State such number of national permits as the Central Government may specify in this behalf in relation to that State and the provisions of sections 54, 55, 56, 57, 58, 59, 59A, 60, 61 and 64 shall, as far as may be, apply to or in relation to the grant of national permits :

Provided that the number of national permits specified for a State shall not be varied or modified except after consultation with the concerned State Government.

Explanation.—In this section—

(a) "national permit" means a permit granted by the appropriate authority to a public carrier authorising him to operate as a public carrier throughout the territory of India or in such contiguous States, not being less than five in number (including the State in which the permit is issued), as may be specified in such permit in accordance with the choice indicated by the public carrier to whom such permit is granted ;

(b) "appropriate authority" in relation to a national permit means the authority which is authorised by this Act to grant a public carrier's permit.

(12) Without prejudice to the provisions of sub-section (1) of section 55, the appropriate authority shall, in considering an application for a national permit, also have regard to the following matters, namely:—

(a) no national permit shall be issued

(i) to an individual owner if he already holds in his own name three or more valid national permits, or when he holds valid national permits as well as valid inter-

State region permits, if the aggregate number of such permits is three or more ;

(ii) to a company which already holds in its own name seven or more valid national permits, or, when it holds valid national permits as well as valid inter-State region permits, if the aggregate number of such permits is seven or more;

(b) other conditions being equal, preference shall be given to applicants who are ex-army personnel, or who have valid licences for driving transport vehicles:

Explanation.—In this sub-section "company" includes a body corporate.

(13) If, as a result of the acquisition of one or more inter-state region permits by an individual owner or a company after one or more national permits have been granted to him or it, the aggregate number of the permits held by such individual or company exceeds, in the case of the individual, three, or, in the case of a company, seven, the appropriate authority shall, notwithstanding anything contained in section 60, cancel such number of national permits as would bring down the aggregate number of national permit and inter-state region permit held by such individual, to three, or, in the case of a company, to seven:

Provided that before cancelling any national permit, the appropriate authority shall give to the individual owner or the company, as the case may be, an option to indicate which of the national permits held by him or it should be so cancelled.

(14) Nothing contained in sub-section (12) and (13) shall apply to a State Transport Undertaking,

(15) (a) The Central Government may make rules for carrying out the provisions of sub-section (11).

(b) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(i) the authorisation fee payable for the issue of a national permit ;

(ii) the fixation of the laden weight of the motor vehicle ;

(iii) the distinguishing particulars or marks to be carried or exibited in or on the motor vehicle;

(iv) the colour or colours in which the motor vehicle is to be painted

(v) any matter, not specified in this Act, which shall be borne in mind by the appropriate authority in granting of national permit.

Explanation .—In this sub-section "authorisation fee" means the annual fee, not exceeding seven hundred rupees, which may be charged by the appropriate authority of a State to enable a motor vehicle, covered by the national permit, to be used in other States".

3. Amendment of section 133.—In section 133 of the principal Act,—

(*a*) in sub-section (3), the words "by the Central Government or", the words "Parliament or", in both the places where they occur, and the words "as the case may be," shall be omitted;

(*b*) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thrity days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses

agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect ,as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

4. (1) **Repeal and saving.**—(1) The Motor vehicles (Amendment) Ordinance, 1975, (14 of 1975) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

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